

HISTORIC DISTRICT COMMISSION

Meeting Minutes

October 10, 2011

CALL TO ORDER:

Mr. Mike Troutman, Chairperson called the meeting to order at 4:02 p.m.

ROLL CALL:

Members Present: Dan Buscher Doug Sofia
Glen Harris Kurt Thornton
Heather Lane-Fowler Mike Troutman
Susan Baldwin (City Commission Liaison)

Members Absent: None

Staff Present: Christine Hilton, Planning Supervisor
Eileen Wicklund, City Attorney
Glenn Perian, Senior Planner
Leona Parrish, Admin. Assistant

ADDITIONS / DELETIONS TO AGENDA:

Addition to New Business: 86 Frelinghuysen (*NSP Property, Chris Lussier; Request for Demolition*)

APPROVAL OF PREVIOUS MINUTES:

MOTION WAS MADE BY MR. KURT THORNTON TO APPROVE THE MINUTES FROM SEPTEMBER 12, 2011(REGULAR MEETING) AND ALSO THE MINUTES FROM SEPTEMBER 21, 2011 (SPECIAL MEETING); SECONDED BY MS. HEATHER LANE-FOWLER.

ALL IN FAVOR, NONE OPPOSED MOTION; MOTION CARRIED.

CORRESPONDENCE: None

OLD BUSINESS:

- a. **Bylaw Revision:** Ms. Eileen Wicklund, City Attorney stated she discovered a "Code of Ethics" document that was separate from the bylaws and needed to be reviewed and had been certified by local government. Stated it could possibly be incorporated into the By-Laws as just a simple paragraph under section (7). Stated a body or the city had adopted the Code of Ethics separately from the Bylaws.

Mayor Baldwin asked when it had been adopted and if it was still a valid document, or if it needed to be updated because of any possible State of Michigan changes.

Mr. Mike Troutman asked if Ms. Eileen Wicklund could review the Code of Ethics document and get back with them with any needed changes or additional information.

Ms. Wicklund stated the Code of Ethics is a six-page document and was previously not referenced in their bylaws, but could be added as a reference and would not need to be updated because of any State changes.

Mayor Baldwin asked if they adopted the bylaws today, could they add the Code of Ethics at a later date. Ms. Wicklund stated they could add a reference now and then if needed change it later.

Mayor Baldwin asked if they could approve the amendments to the bylaws now of the changes they already made. Ms. Wicklund stated it may be done either way, but she would prefer they were adopted without that section. Mayor Baldwin asked if they could approve the bylaws and put "reserved" in that section for the Code of Ethics. Ms. Wicklund stated yes, that would work.

MOTION WAS MADE BY MR. KURT THORNTON TO APPROVE THE BY-LAW REVISIONS WITH RESERVATION IN SECTION #4, ARTICLE 5, TO REMOVE THE TEXT AND ADD RESERVED; SECONDED BY MR. DOUG SOFIA.

ALL IN FAVOR, NONE OPPOSED MOTION; MOTION CARRIED.

NEW BUSINESS:

A) 265 Capital Avenue, N.E. (Request to Demolish Carriage House)

Mr. Glenn Perian stated the property owner Mr. Joseph Rocha was not present today and suggest that this application be postponed until the next HDC meeting when Mr. Rocha may be in attendance. Mr. Perian provided a document to the commission noting the history of two previous applications submitted regarding the Carriage House structure located at 265 Capital Ave., N.E.

MOTION WAS MADE BY MR. DAN BUSCHER TO POSTPONE 265 CAPITAL AVENUE, N.E., REQUEST TO DEMOLISH CARRIAGE HOUSE UNTIL NEXT MEETING WHEN THE PROPERTY OWNER IS PRESENT; SECONDED BY MR. GLEN HARRIS.

ALL IN FAVOR, NONE OPPOSED MOTION; MOTION CARRIED.

B) 22 W. Michigan Avenue (Façade Improvement for Team Active)

Mr. Michael Wood, property owner was present to speak; stated he was working with Battle Creek Unlimited for a façade improvement for replacement of the existing awning, remove the porcelain enamel façade panels and replace them with windows and also replace the street level windows on the front of the building.

Ms. Heather Lane-Fowler stated thank you to the applicant and with the changes noted it would look better.

Mr. Doug Sofia asked if there were windows on the 3rd floor. Mr. Wood stated no there is none.

Mr. Mike Troutman asked if there was a track on the 2nd floor, Mr. Wood stated yes.

Mr. Doug Sofia suggested the changes be done like the original photos.

Ms. Lane-Fowler asked if they were doing only the 1st row of windows and not the 2nd. Mr. Woods stated the 2nd row of windows would be fake and they did not plan on adding them.

Mr. Glen Harris stated he would not be in favor if the 2nd row of windows were not done. Mr. Wood stated phase I is the awning and that phase II would include the windows.

Mr. Harris asked how the signage would be added. Mr. Wood stated there would be a thin small sign and thin large sign placed flush against the building on each side.

Mr. Harris asked if there would be a soffit added. Mr. Wood stated it would be a piece of steel.

Ms. Lane-Fowler asked if there would be anything on the awning. Mr. Wood stated no, nothing would be on the awning; the signs would be placed on both sides of the building against the wall.

Mr. Harris asked what was going to be the color of the steel. Mr. Wood stated it can be whatever they would like as the strips are multicolor and can even use black; that it is needed to keep the rain away from the building.

Mr. Harris stated he was not satisfied regarding what they are wanting and needs clarification of the work and appearance of how the windows would look. Mr. Wood stated the architect Mr. Randy Case needs to move forward with phase I (awning) and then they will proceed with phase II (windows) later.

Mr. Harris asked if they could just approve the removal of the awning. Ms. Hilton stated yes. Mr. Wood stated they would be removing only the part that is falling off and plan to come back and request approval for the next phase of their façade improvement.

MOTION WAS MADE BY MR. GLEN HARRIS TO APPROVE A CERTIFICATE OF APPROPRIATENESS ONLY FOR THE REMOVAL OF THE AWNING AND ALLOW THEM TO BRING BACK ADDITIONAL INFORMATION FOR REVIEW REGARDING THE NEXT PHASE OF THE FAÇADE IMPROVEMENT PROJECT FOR PROPERTY LOCATED AT 22 W. MICHIGAN AVENUE; SECONDED BY MR. KURT THORNTON.

ALL IN FAVOR, NONE OPPOSED MOTION; MOTION CARRIED.

C) Presentation Regarding Downtown Transformation (Karl Dehn & Cheryl Beard)

Mr. Karl Dehn, C.E.O. and Ms. Cheryl Beard, Director of Commercial Development, for Battle Creek Unlimited, provided an update and progress regarding the Downtown Transformation project. Mr. Dehn handed out a 4-page power point document that consisted of 22 slides; the information shared consisted of the Food Protection Training Institute; Covance opening; Private Investment; Retail/Amenities; Math & Science Center; M-66 Gateway; River Bridge Lighting; Jackson Street Access Drive and Open Space; Streetscape Timeline; Pocket Park Concept and Other Ongoing Priorities & Projects for Downtown.

Mr. Mike Troutman asked what the plans were for the old Cereal City Office Supply building and if it was still in the plans for demolition. Ms. Cheryl Beard stated that it is still under review as they need

to ensure that the adjacent buildings are secure if they were to do a demolition and/or if it would be feasible to restore.

Mr. Karl Dehn stated that currently 250,000 sq. ft. of space has been filled in the downtown area and that what is left available is not very good. Stated they do not have ready space available for any new businesses or possible construction locations and that they need to show there is enough of a market for new development.

Ms. Heather Lane-Fowler asked what the status was of the utilization of Heritage Tower Building. Ms. Beard stated the owner is making some improvements.

Ms. Lane-Fowler asked about something she heard regarding a new restaurant going in next to Arcadia. Ms. Beard stated because of the street closure for renovations, it has been postponed, but they are still talking of moving downtown. Mr. Dehn stated they needed to have five or more good restaurants downtown.

Mayor Baldwin asked Mr. Dehn to tell persons; that having shops and theaters in the downtown will not ever make it be like it was in the past. Mr. Dehn stated they already have many theaters in town and if they added another one it would take business from the existing theaters. Stated they could possibly have a drug store in the future downtown.

Ms. Heather Lane-Fowler asked what the Energy Nook was. Ms. Beard stated it was Herbalife sales.

Mr. Kurt Thornton asked what is happening with the apartment renovation for the building on Carlyle Street. Mr. Dehn stated they are trying to market the building for mixed use office, restaurants etc.

Mr. Kurt Thornton asked if the proposed Fire Pit downtown was to be gas. Ms. Beard stated yes, it would be on a timer and used only for ambiance and not for heating.

D) Annual Meeting Dates for Historic District Commission - Year 2012

MOTION WAS MADE BY MR. KURT THORNTON TO APPROVE THE ANNUAL MEETING DATES FOR YEAR 2012 HISTORIC DISTRICT COMMISSION AS SUBMITTED; SECONDED BY MR. DOUG SOFIA.

ALL IN FAVOR, NONE OPPOSED MOTION; PASSED TO APPROVE.

E) 86 Frelinghuysen (NSP Property – Mr. Chris Lussier Requesting Demolition)

Ms. Christine Hilton, Planning Supervisor spoke on behalf of Mr. Chris Lussier, NSP2 Grant Coordinator, City of Battle Creek. Stated Mr. Lussier presented an application at last month's HDC meeting which was approved for repair/renovation of this property. Stated when they proceeded with the renovation it was discovered it was not possible to renovate as this structure was built with 1x4 boards that were layered horizontally and plastered together for the exterior wall structure; photos were provided showing the extensive deterioration of the walls, and is now become an imminent danger to the public with no alternative other than to ask for a Notice to Proceed for demolition as it is not possible to proceed with any renovations.

Ms. Heather Lane-Fowler asked if there was a cost estimate for the rehabilitation. Ms. Hilton stated that was presented at last month's meeting and the cost for the demolition is approximately \$10,000 dollars and would fall under "Imminent Danger to the Public".

MOTION WAS MADE BY MR. DAN BUSCHER TO APPROVE A NOTICE TO PROCEED FOR DEMOLITION OF 86 FRELINGHUYSEN AS IT MEETS THE SECRETARY OF INTERIORS STANDARD (3) AS OUTLINED IN CHAPTER 1470.09(e); SECONDED BY MR. DOUG SOFIA.

ALL IN FAVOR, NONE OPPOSED MOTION; MOTION CARRIED.

PUBLIC COMMENTS: None

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Ms. Heather Lane-Fowler asked what the status was regarding the property on the corner of Sherman and Fremont Street that was damaged by fire many years ago. Ms. Hilton stated she would find out any information available and provide to the commission.

Mr. Mike Troutman asked regarding status of the sign put up on Capital Avenue N.E. by ETC Art Centre. Ms. Hilton stated ETC had agreed to work with the adjacent property owner; however the sign as erected is in compliance with city code.

Ms. Eileen Wicklund stated she discovered that the "Code of Conduct" is needed to be a separate document from the Bylaws and is a requirement; and asked if they wished to keep what had been previously adopted.

Mr. Dan Buscher noted the Planning Commission had just done a review through the City Attorney's Office and is much smaller than the (6) page document they have. Ms. Hilton stated they would need to review the Federal Legislation cited to see what is required and that Ms. Wicklund would provide information to the Historic District Commission of what is found.

ADJOURNMENT:

Mr. Mike Troutman, Chairperson adjourned meeting at 5:28 p.m.

Submitted by: Leona A. Parrish, Administrative Assistant, Planning Department